

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**939 CIVIL APPLICATION NO. 8135 OF 2018
IN FAST/17212/2018**

**GOVINDRAO NARSINGRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

...
Advocate for Applicant : Shri D.R.Irale Patil
AGP for Respondents – State : Shri R.B.Bagul
Advocate for Respondent No.2 : Shri Suresh D. Dhongade

...
CORAM : P.R.BORA, J.

DATE: 1st November, 2018

PER COURT:-

1 Heard Shri D.R.Irale Patil, learned Counsel for the applicant, Shri R.B.Bagul, learned AGP for the respondent State and Shri S.D.Dhongade, learned Counsel for the Acquiring Body.

2 The learned Counsel for the applicant submitted that financial constraints and lack of awareness are the two major reasons for which appeal could not be filed within the period of limitation. It is further submitted that substantial grounds are raised in exception to the impugned award and as such applicant needs to be given opportunity to prosecute his appeal.

3 Shri R.B.Bagul, learned AGP has opposed for condoning the delay. In the alternative, the learned AGP submitted that if the Court is inclined to condone the delay, the applicant shall be disentitled for claiming interest for the period of delay.

4 Considering the submissions as above, the following order is passed:-

ORDER

- I) Delay of 916 days caused in filing the appeal is condoned.
- II) Civil Application No.8135 of 2018 stands disposed of.
- III) Appeal be registered in accordance with law.
- IV) It is clarified that in the event of his success in the appeal, the applicant – appellant shall not be entitled for the interest under the provisions of Land Acquisition Act, 1894, for the period of delay, on the enhanced amount of compensation.
- V) Leave to amend the title cause, more particularly, pertaining to name of respondent No.3.
- VI) A copy of the present order be kept alongwith papers of appeal.

(P.R.BORA)
JUDGE

SPT